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## REISSUE PATENT APPLICATION TRANSMITTAL

Address to:  Assistant Commissioner for Patents Box Patent Application Washington, DC 20231	Attorney Docket No.	076565-0115
	First Named Inventor	Lawrence G. Daviso
	Original Patent Number	5,842,486
	Original Patent Issue Date (Month/Day/Year)	12/01/1998
	Express Mail Label No.	EL529676065US

APPLICATION FOR REISSUE OF:  Utility Patent  Design Patent  Plant Patent  
(check applicable box)

APPLICATION ELEMENTS		ACCOMPANYING APPLICATION PARTS	
1. <input checked="" type="checkbox"/> Fee Transmittal Form (PTO/SB/56) (Submit an original, and a duplicate for fee processing)	7. <input type="checkbox"/> Foreign Priority Claim (35 U.S.C. 119) (if applicable)		
2. <input checked="" type="checkbox"/> Specification and Claims (amended, if appropriate)	8. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations		
3. <input checked="" type="checkbox"/> Drawing(s) (proposed amendments, if appropriate)	9. <input type="checkbox"/> English Translation of Reissue Oath/Declaration (if applicable)		
4. <input checked="" type="checkbox"/> Reissue Oath / Declaration (original or copy) (37 C.F.R. § 1.175)(PTO/SB/51 or 52)	10. <input type="checkbox"/> Small Entity Statement(s) <input type="checkbox"/> Statement filed in prior application. (PTO/SB/09-12) <input type="checkbox"/> Status still proper and desired		
5. Original U.S. Patent <input type="checkbox"/> Offer to Surrender Original Patent (37 C.F.R. § 1.178) (PTO/SB/53 or PTO/SB/54) or <input type="checkbox"/> Ribboned Original Patent Grant <input type="checkbox"/> Affidavit / Declaration of Loss (PTO/SB/55)	11. <input checked="" type="checkbox"/> Preliminary Amendment		
6. Original U.S. Patent currently assigned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  (If Yes, check applicable box(es))  <input type="checkbox"/> Written Consent of all Assignees (PTO/SB/53 or 54) <input checked="" type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney	12. <input type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)  13. <input checked="" type="checkbox"/> Other: Request for Transfer of Drawings  Copy of USPN 5,842,486		

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14. CORRESPONDENCE ADDRESS					
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<b>REISSUE APPLICATION FEE TRANSMITTAL FORM</b>				Docket Number (Optional) 76565/115				
<b>Claims as Filed - Part 1</b>								
Claims in Patent	For	Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate	Fee	Rate	Fee	
(A) 20	Total Claims (37 CFR 1.16(j))	(B) 43	**** 18 = x \$ ____ =			x \$18.00 =	\$360.00	
(C) 3	Independent Claims (37 CFR 1.16(l))	(D) 5	* 2 = x \$ ____ =			x \$78.00 =	\$156.00	
				Basic Fee (37 CFR 1.16(h)) \$ _____		\$ 760.00		
				Total Filing Fee \$ _____				
<b>Claims as Amended - Part 2</b>								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	***	MINUS	**	* = 0 x \$ ____ =		x \$ 18.00	\$0.00	
Independent Claims (37 CFR 1.16(l))	***	MINUS	*****	= 0 x \$ ____ =		x \$ 78.00	\$0.00	
				Total Additional Fee \$ _____		OR \$0.00		
<p>* If the entry in (D) is less than the entry in (C), Write "0" in column 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.</p> <p>*** After any cancellation of claims</p> <p>**** If "A" is greater than 20, use (B-A); if "A" is 20 or less, use (B-20).</p> <p>***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p>								
<p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. 06-1447. A duplicate copy of this sheet is enclosed. CMT</p> <p><input checked="" type="checkbox"/> A check in the amount of \$ <u>1276.00</u> to cover the filing / additional fee is enclosed.</p>								
<u>12/19/99</u>		<u>Christopher M. Turoski</u>						
Date		Signature of Applicant, Attorney or Agent of Record						
<u>Christopher M. Turoski, Registration No. 44,456</u>								
Typed or printed name								

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***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicants: Davis, Lawrence G.  
Nikolaus, Carol J.

Title: HERMETICALLY SEALED  
COSMETIC COMPACT  
CASE

Patent No.: 5,842,486

Issue Date: 12/01/1998

Examiner: To be determined

Art Unit: To be determined

Attorney  
Docket No.:

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
EL529676065US (Express Mail Label Number)	12/21/98 (Date of Deposit)
<u>Roberta Cooper</u> (Printed Name)	
<u>Roberta Cooper</u> (Signature)	

**PRELIMINARY AMENDMENT**  
**FOR REISSUE APPLICATION FOR U.S. PATENT NO. 5,842,486**

**BOX REISSUE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Prior to examination of the present Reissue Application for U.S. Patent No. 5,842,486, the Applicants respectfully request that the above-captioned application be amended as follows:

**In the Claims**

Please add the following new Claims 21-38:

1           21. The makeup container of Claim 1 wherein the peripheral rim  
2           is generally circular shaped.

1           22. The makeup container of Claim 1 wherein the peripheral rim  
2           is generally blunt.

1           ✓23. A compact for storing makeup comprising:  
2                 a first platform coupled to a second platform and configured for  
3                 selective movement between a first position and a second position relative to the  
4                 first platform;  
5                 a rim having a shape extending from the second platform; and  
6                 a channel disposed between a first wall and a second wall of the  
7                 first platform and having a shape corresponding to the shape of the rim;  
8                 wherein when the second platform is in the first position the rim is  
9                 received by the channel to provide a generally hermetic seal between the first  
10                 platform and the second platform.

1           24. The compact of Claim 23 wherein the rim is generally  
2                 circular shaped.

1           25. The compact of Claim 24 wherein the rim further includes  
2                 a plurality of sealing portions, and the channel further includes a plurality of  
3                 blunt shaped sealing surfaces and at least one sealing portion is in direct contact  
4                 with at least one sealing surface to form the hermetic seal.

1           26. The compact of Claim 25 wherein an integral hinge couples  
2                 the first platform to the second platform.

1           27. The compact of Claim 26 wherein the rim is integral with  
2                 the cover and the first and second walls are integral with the first platform.

1           28. The compact of Claim 27 wherein the first wall has a height  
2                 substantially greater than the height of the second wall.

1           29. The compact body of Claim 28 wherein the first platform  
2                 and the second platform are made of plastic.

1           30.    The compact of Claim 29 further comprising an interface  
2   for positioning the second platform between the first and the second position.

1           31.    The compact of Claim 30 further comprising a generally  
2   circular shaped cavity configured to receive the makeup.

1           32.    The compact of Claim 31 wherein the channel has a width  
2   less than the width of the rim.

1           33.    The compact of Claim 32 further comprising a housing for  
2   receiving the first platform and the second platform.

1           34.    The compact of Claim 33 wherein the rim is generally  
2   blunt.

1           35.    The compact of Claim 23 wherein a generally planar  
2   portion of the rim engages a generally planar portion of the channel.

1           36.    The compact of Claim 25 wherein each of the sealing  
2   portions are generally planar and each of the sealing surfaces are generally  
3   planar.

1           37.    A container for storing cosmetics comprising:  
2                 a base integrally molded to a cover such that the cover is  
3   selectively positionable between a first position and a second position relative to  
4   the base; and  
5                 means for forming a generally hermetic seal between the  
6   cover and the base coupled to the cover and the base;  
7                 wherein the generally hermetic seal is formed when the  
8   cover is in the first position.

1           38.    The container of Claim 37 wherein the means for forming  
2    the generally hermetic seal further includes a generally blunt rim extending from  
3    one of the cover or the base and a groove configured for receiving the rim  
4    disposed between a first wall and a second wall extending from one of the cover  
5    or the base.

**REMARKS**

The Applicants respectfully request that the foregoing amendments be made prior to examination of the present Application. After amending the claims as set forth above, Claims 1-38 are now pending in the Application.

The Applicants believe that the present Application is now in condition for allowance. Favorable consideration of the Application as amended is respectfully requested.

\* \* \*

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

Respectfully submitted,

Date 12/19/99

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## 1

**HERMETICALLY SEALED COSMETIC  
COMPACT CASE****FIELD OF THE INVENTION**

The present invention relates to a make-up case or a cosmetic compact. More particularly, the present invention relates to an air-tight or hermetically sealed cosmetic compact case.

**BACKGROUND**

Conventional compact cases hold makeup or cosmetics, such as, powders, eye shadow, eyeliner, lipstick, or other beauty aids. Compacts often provide a mirror for viewing the face, thereby facilitating the process of applying the makeup to the face.

A compact usually includes a lid or a cover section hingeably coupled to a base or a container section. Either the cover section or the base section can be pivoted about the hinge to obtain the closed configuration of the compact, thereby providing a convenient storage device. The mirror is typically disposed on the inside of the compact cover section. The base section of conventional compacts usually includes a metal pan for containing the makeup. Alternatively, the makeup can be directly stored in a cavity in the base section.

Compacts also allow for a pad, a brush, or other application device to be disposed between the makeup and the cover, when the compact is in the closed configuration. Makeup is usually applied by rubbing or dipping the application device (e.g., the pad or brush) in the pan or cavity holding the makeup. The application device is then used to transfer the makeup to the face.

A popular type of cosmetic currently available in most retail stores is a Color-Stay™ or color-fast makeup or cosmetic. The popularity of these cosmetics apparently stems from the ability of the makeup to remain applied to the skin surface for a prolonged period of time without rubbing off or fading. Color-fast cosmetics contain a somewhat volatile chemical component that requires air-tight or hermetic storage to prevent or inhibit drying, hardening, and cracking of the cosmetics. In particular, the color-fast cosmetic must be stored in a hermetically sealed container. Therefore, color-fast cosmetic containers often must undergo and pass a loss-in-weight test to establish that an air-tight seal has been effected.

Conventional compacts are usually arranged as a one-piece unit so that one hand opens and holds the compact, while the other hand applies the makeup to the skin surface of the face. In contrast, conventional color-fast cosmetic cases include a container with a screw-on cap that effects a hermetic seal when in the closed configuration. Thus, the user must contend with two separate pieces, which makes applying the makeup a more difficult task, i.e., it is more difficult for the user to unscrew the cap and apply the makeup at the same time.

To apply the color-fast cosmetic from its cosmetic case, the user must unscrew the cap and place it somewhere so that one hand can hold the container that stores the makeup, while the other hand is free to apply the makeup to the skin surface of the face with greater dexterity. In having to lay the screw-on cap somewhere during the process of applying the color-fast makeup, the potential exists for the cap to be misplaced or lost, especially in a crowded public restroom during a social function. Without the screw-on cap to hermetically seal the unused portion still remaining in the

container, the color-fast makeup dries, hardens, and its quality deteriorates. As a result, the user must incur an additional expense by purchasing new makeup.

5 Another problem with current color-fast cosmetic cases occurs when the user is not aware that the screw-on cap is not properly closed, e.g., sealed, on the container. If the hermetic seal is not established as a result of incomplete or improper closure of the color-fast cosmetic case, the makeup dries, hardens, and cracks.

10 Other color-fast makeup cases utilize a complex method of opening and closing. These cases require that the user follows unconventional directions to appropriately open and close the makeup case. Thus, these cases often require additional steps to open and close the case which can annoy the user.

15 Thus, there is a need for an inexpensive and simple-to-use compact case capable of effecting an air-tight or hermetic seal. Further, there is a need for an air-tight, hermetically sealed compact case that passes the loss-in-weight test.

20 Further still, there is a need for a hermetically sealed compact case that can be manufactured as a one-piece unit and can be simply opened and closed. Even further still, there is the need for an air-tight compact case that generates an audible indication whenever the hermetic seal is established.

#### SUMMARY OF THE INVENTION

The present invention relates to a makeup container. The makeup container includes a cover piece and a base piece for holding a cosmetic substance. The cover piece has a first interface having a first periphery, and the base piece has a second interface having a second periphery corresponding to the first periphery. The first interface and the second interface provide a hermetic seal when the cover piece is closed with respect to the base piece. The seal is comprised of a groove associated with the first interface or the second interface and a peripheral rim associated with the first interface or the second interface.

40 The present invention further relates to a compact for containing a cosmetic substance with an air-tight seal. The compact includes a first section and a second section. The first section engages the second section to form the air-tight seal. The air-tight seal maintains the first section in a closed position with respect to the second section.

45 The present invention still further relates to a makeup case for holding a cosmetic substance. The case includes a cover and a base for holding makeup. The cover is moveable to an upper, open position and to a lower, closed position. The improvement comprises a hermetic seal when the cover is in the lower, closed position. The seal maintains the cover in a closed position.

50 According to one exemplary aspect of the present invention, an air-tight or hermetic seal is provided by a plastic insert sized and shaped to fit or snap inside a conventional compact shell. In particular, the insert is an integral two-section (e.g., a cover and a base) component that utilizes a living hinge to connect a first section (e.g., the cover) to a second section (e.g., the base). The integral component advantageously lowers manufacturing costs since fewer separate parts are required and less assembly is involved. Moreover, post-production costs are also minimized since there is only one part to inventory for the insert.

55 According to another exemplary aspect of the present invention, the first section of the integral insert engages the second section to effect an air-tight or hermetic seal when the insert is in a closed configuration. In particular, the first

section of the integral insert has a circular cavity with a groove, while the second section has a peripheral wall that slides in the groove to form the seal. As the integral insert obtains the closed configuration, e.g., when the first section engages the second section, the evacuated air makes a distinctive audible sound, indicating to the user that the air-tight seal has been established. Furthermore, the hermetic seal is maintained without a need for an auxiliary latch or fastener.

#### DESCRIPTION OF THE DRAWINGS

Exemplary embodiments of the present invention will hereinafter be described wherein like numerals denote like elements, and:

FIG. 1 is a perspective view of a cosmetic compact case in accordance with an exemplary embodiment of the present invention, the case is shown in a closed configuration;

FIG. 2 is a perspective view of the cosmetic compact case illustrated in FIG. 1 in an open configuration, demonstrating an integral two-piece insert contained therein;

FIG. 3 is a cross-sectional view of the closed cosmetic compact case illustrated in FIG. 1, taken along line 3—3;

FIG. 4 is a top perspective view of the integral two-piece insert illustrated in FIG. 2;

FIG. 5 is a bottom perspective view of the integral two-piece insert illustrated in FIG. 4;

FIG. 6 is a cross-sectional view of the insert illustrated in FIG. 4 about line 6—6;

FIG. 7 is an enlarged, partial cross-sectional view of a lip illustrated in FIG. 4; and

FIG. 8 is an enlarged, partial cross-sectional view of a groove illustrated in FIG. 4.

#### DETAILED DESCRIPTION

With reference to FIGS. 1, 2, and 3, a makeup case or compact 10 is shown. Compact 10 is a cosmetic case for holding a cosmetic substance, such as, powder, eye shadow, eyeliner, or other beauty aid. In particular, compact 10 is preferably a cosmetic case for containing a color-fast, e.g., a nonfading and rub-resistant, makeup with an air-tight seal.

FIG. 1 is a perspective view showing compact 10 in a closed configuration. Compact 10 includes an exterior shell which is comprised of a top or cover section 12 hingeably coupled (FIG. 2) to a bottom or base section 14. Compact 10 also includes an opening interface 16. Interface 16 includes a top member 18 and a bottom member 20. Interface 16 facilitates opening of compact 10 when top member 18 engages bottom member 20. Alternatively, interface 16 can include a pivoting member similar to conventional shoe polish canisters.

As an external downward force is applied, such as, by hand, to cover section 12 to effect pivotal motion in a direction toward base section 14, compact 10 achieves a closed configuration. As section 12 approaches section 14 and achieves the closed configuration, the traditional snapping sound associated with the closing of a conventional compact is emitted. Interface 16 can also be configured to perform a latching operation for compact 10. Although compact 10 is shown in a quadrangular shape, other geometries, such as, oval, circular, hexagonal, and so forth, can also be used.

With reference to FIG. 2, compact 10 is shown in an open configuration. Compact 10 further includes an integral two-piece insert 22. Insert 22 preferably includes a top or cover

piece 24 integral with a bottom or base piece 26. More specifically, cover piece 24 of insert 22 is pivotally coupled to base piece 26 via a living hinge 28. Insert 22 is shaped in accordance with compact 10 and is sized to fit within the combination of sections 12 and 14. Insert 22 is preferably made of a polypropylene plastic.

Cover piece 24 of insert 22 includes a circular cavity 30 having a periphery (see FIG. 4). In one preferred embodiment, a mirror can be disposed within circular cavity 30 for viewing the face when applying the makeup. Similarly, base piece 26 has a circular cavity 32 defined by a peripheral wall 34. A peripheral rim 36 is integral with (e.g., continuous) with peripheral wall 34, circumferentially extends above a surface 35 of base piece 26, and melds into a terminal, outwardly-protruding lip 38. Circular cavity 32 is preferably configured to hold the color-fast makeup. Alternatively, instead of circular cavity 32, base piece 26 can include an aperture configured such that a pan prefilled with makeup can be disposed therein.

FIG. 3 is a cross-sectional view of compact 10 in a closed configuration, taken along line 3-3 of FIG. 1. Circular cavity 30 within piece 24 is shown with a mirror 37 disposed therein. Circular cavity 32 is shown in an empty state. Compact 10 also includes interface gaps 40 and 42. Interface gap 40 is disposed between an internal surface 11 of cover 12 and an exterior surface 23 of cover piece 24 of insert 22. Interface gap 42 is disposed between an internal surface 13 of base section 14 and an external surface 25 of base piece 26 of insert 22. Interface gaps 40 and 42 are configured to be large enough to allow expansion of cover piece 24 and base piece 26, respectively, of insert 22 during loss-in-weight tests.

FIGS. 4 and 5 show insert 22 in a fully extended, opened configuration. In particular, FIG. 4 is a top perspective view of insert 22, whereas FIG. 5 is a bottom perspective view. A groove 48 is circumferentially defined between a peripheral edge 33 of cavity 30 and shorter peripheral wall 44. Groove 48 is configured to receive peripheral rim 36 when insert 22 is in a closed configuration (e.g., when cover piece 24 engages base piece 26), thereby effecting a hermetic, i.e., air-tight, seal. Insert 22 does not have, nor needs, a clasp or fastener to sustain a closed configuration: the hermetic seal maintains insert 22 in a closed state.

As shown in the bottom perspective view of insert 22 (FIG. 5), the perimeter of cover piece 24 and base piece 26 is defined by a continuous peripheral rim 50 that overhangs in the direction toward external surfaces 23 and 25, respectively. Rim 50 can be utilized to secure or snap insert 22 within sections 12 and 14. Rim 50 is preferably configured to span a height of 0.16 inch.

In one preferred embodiment, when in the fully extended configuration, insert 22 spans a length of 6 inches, having a respective 3-inch length for both cover piece 24 and base piece 26. Alternatively, insert 22 can have other dimensions complementary to fit any sized compact 10.

With reference to FIG. 6, a cross-sectional view of insert 22 in the fully extended configuration is shown, taken about line 6-6 of FIG. 4. Living hinge 28 is shown fully extended and circular cavity 30 and circular cavity 32 both appear in an empty state. Lip 38 is shown protruding outwardly from peripheral rim 36. With reference to cover piece 24, groove 48 appears between shorter peripheral wall 44 and peripheral edge 33.

Both FIGS. 7 and 8 are enlarged, partial cross-sectional views of different aspects of insert 22. More specifically, FIG. 7 shows an enlarged, partial cross-sectional view of lip

38 extending from peripheral rim 36. FIG. 8 is an enlarged, partial cross-sectional view showing groove 48 disposed between peripheral wall 44 and peripheral edge 33. FIG. 8 further shows that peripheral wall 44 terminates in a free end 45 and spans a height that is shorter than a height of peripheral wall 46. Wall 46 can serve to hold a mirror in cavity 30.

As shown in FIG. 8, peripheral edge 33 includes a chamfer edge 52, a bulge 54 protruding in a direction toward groove 48, and an indentation 56 pointed in a direction away from wall 44. A groove 58 is disposed between shorter peripheral wall 44 and peripheral wall 46.

In one preferred embodiment, the nominal thickness of peripheral wall 34 (FIG. 4) is 0.06 inches. The height of peripheral rim 36 (FIG. 7), including lip 38, is preferably 0.172 inches, with a width of 0.032 inches (without lip 38). Lip 38 preferably has a width of 0.043 inches and a height of 0.027 inches. Lip 38 has a radius of 0.025 inches at an end 72. A surface 74 is provided at a 20° angle with respect to a surface 76.

Peripheral wall 44 (FIG. 8) preferably has a height of 0.045 inches and a thickness of 0.016 inches. Wall 46 preferably has a height of 0.07 inches and a thickness of 0.04 inches. A free end 45 of wall 44 is slanted at a 45° angle with respect to a vertical axis. The surface of wall 44 bordering groove 48 is slightly slanted at an 8° angle with respect to the vertical axis. A wall 62 associated with indent 56 is provided at a 10° angle from the vertical axis.

Bulge 54 of peripheral edge 33 is curved with a radius of 0.025 inches. Groove 48 has a width of 0.040 inches and wall 62 has a height of 0.024 inches. Bulge 54 is at a distance of 0.060 inches from a surface 64 of groove 48 and terminates at a distance of 0.080 inches from surface 64. A wall 66 has a height of 0.036 inches and is provided at a 15° angle from the vertical axis.

Alternatively, other dimensions can be used. The given dimensions are exemplary only and do not limit the scope of the claims.

The closing and opening of insert 22 is discussed as follows. To close insert 22, an external downward force is supplied, such as, by hand, to cover piece 24 to effect a pivotal motion of cover piece 24 toward base piece 26. More specifically, as a result of the applied downward force on cover piece 24, hinge 28 folds to close cover piece 24 onto base piece 26.

In the process of closing insert 22, groove 48 receives peripheral rim 36 between first peripheral wall 44 and peripheral edge 33 (FIGS. 4, 6, and 8), thereby effecting a hermetic, i.e., air-tight, seal at the interface. The seal can be formed between peripheral wall 34 and peripheral wall 44 or rim 36 and edge 33. Moreover, bulge 54 of peripheral edge 33 pushes peripheral rim 36 to bias peripheral wall 34 towards peripheral wall 44. Even further, lip 38 of peripheral rim 36 fits into indentation 56 of peripheral edge 33, thus securing the hermetic seal and maintaining insert 22 in the closed configuration. Compact 10 does not require a latch to maintain insert 22 in the closed configuration. As insert 22 obtains the closed configuration, the evacuated air makes a distinctive audible sound, indicating that the hermetic seal has been established. The seal associated with compact 10 is somewhat similar to seals utilized in photographic film containers or plastic food storage containers.

To open insert 22, a pulling force is applied, such as, by hand, to cover piece 24 in a direction away from base piece 26. In the process of separating or disengaging cover piece 24 from base piece 26 from the closed configuration of insert

22, peripheral rim 36 is removed from within groove 48, thereby disrupting, e.g., breaking, the hermetic seal formed at the interface between peripheral wall 34 and peripheral wall 44. As cover piece 24 is disengaged from base piece 26, another audible sound is emitted, indicating the hermetic seal has been broken. As hinge 28 unfolds, cover piece 24 is further pivotally moved in a direction away from base piece 26. The terms air-tight and hermetic, as used in this application, refer to an essentially non-leaking seal formed at atmospheric pressure. The air-tight seal can preferably pass a loss-in-weight test when the case contains color-fast makeup.

It is understood that the above description is of preferred exemplary embodiments of the present invention. The invention is not limited to the precise details and conditions disclosed. For example, the shape of the described compact is quadrangular. However, other geometries, such as, circular, oval, hexagonal, and so forth, can also be used. Although specific dimensions were given for aspects of the integral two-piece insert, other dimensions can be used complementary to fit any sized compact. Various modifications may be made to the details of the disclosure without departing from the spirit of the invention, which is defined in the appended claims.

25  What is claimed is:

- 1. A makeup container, the container comprising:  
a cover piece having a first interface, the first interface having a first periphery; and  
30 a base piece for holding a cosmetic substance, the base piece having a second interface, the second interface having a second periphery corresponding to the first periphery, wherein the first interface and the second interface provide a hermetic seal when the cover piece is closed with respect to the base piece, wherein the seal is comprised of a groove associated with the one of first interface or the second interface and a peripheral rim associated with the other of the first interface or the second interface.
- 2. The makeup container of claim 1, wherein the groove is defined by a peripheral wall and the peripheral edge of the peripheral rim being received between the first periphery and the peripheral wall.
- 3. The makeup container of claim 2, wherein the first periphery includes a bulge.
- 4. The makeup container of claim 3, wherein the first periphery and the second periphery are circular.
- 5. The makeup container of claim 1, further comprising:  
an outer body coupled about the cover piece and the base piece, wherein the outer body includes a cavity, the cavity allowing expansion of the cover piece or the base piece.
- 6. The makeup container of claim 5, wherein the cavity is large enough to allow expansion during loss-in-weight tests.
- 55 7. The makeup container of claim 6, wherein the first piece and the second piece are integral and joined by a living hinge.
- 8. A compact for containing a cosmetic substance with an air-tight seal, the compact comprising:  
60 a first section; and  
a second section, the first section engaging the second section to form the air-tight seal, the air-tight seal maintaining the first section in a closed position with respect to the second section.
- 65 9. The compact of claim 8, wherein the compact makes an audible sound indicating the air-tight seal is established when the first section engages the second section.

10. The compact of claim 9, wherein the first section has a first circular cavity, the circular cavity having a first peripheral wall, wherein the second section has a second peripheral wall, the second peripheral wall sliding between the first peripheral wall and an edge of the first circular cavity to form the seal.

11. The compact of claim 10, wherein the peripheral wall includes a lip.

12. The compact of claim 11, wherein the lip extends away from an outside surface of the rim.

13. The compact of claim 10, wherein the second section has a second circular cavity for holding the cosmetic substance, the second circular cavity being defined by the second peripheral wall.

✓ 14. A makeup case for holding a cosmetic substance, the case including a cover and a base, the base including makeup, the cover being movable to an upper, open position and to a lower, closed position, an improvement comprising:

a hermetic seal when the cover is in the lower, closed position, whereby the seal maintains the cover in a closed position.

15. The makeup case of claim 14, wherein the seal is comprised of a groove associated with the cover and a peripheral rim associated with the base, the rim being received in the groove when the cover is closed.

5 16. The makeup case of claim 15, wherein the improvement makes an audible sound when the cover is brought to the closed position.

10 17. The makeup case of claim 16, wherein the improvement makes another audible sound when the cover is brought to the upper position from the closed position.

18. The makeup case of claim 15, wherein the groove includes a first peripheral wall and an edge.

15 19. The makeup case of claim 18, wherein all components associated with the seal are integral the base and the cover.

20. The makeup case of claim 19, wherein the first peripheral wall is shorter than the edge.

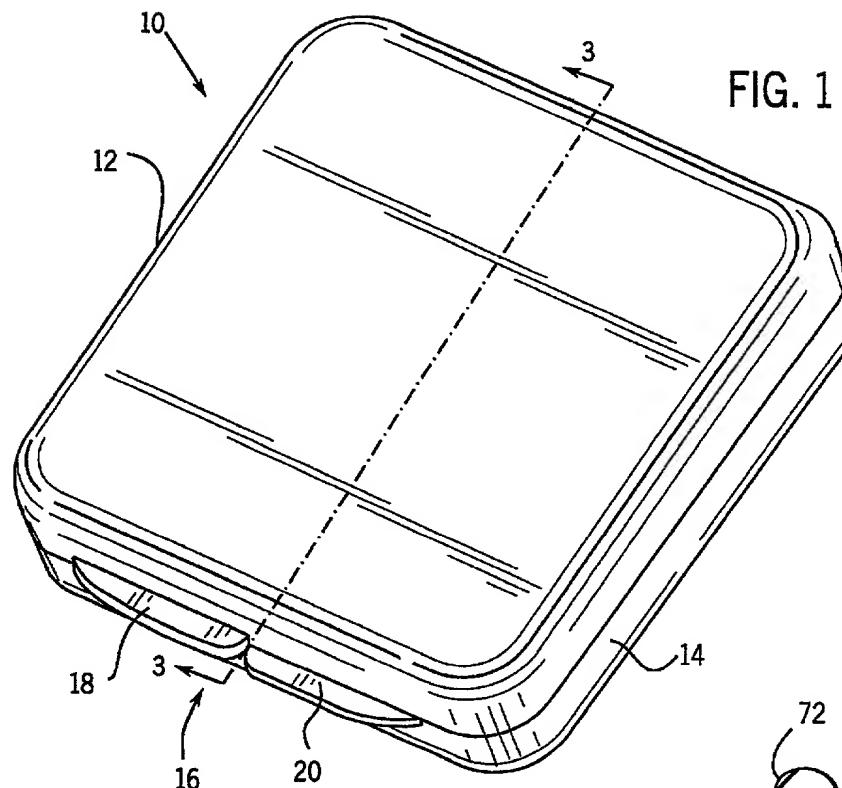


FIG. 1

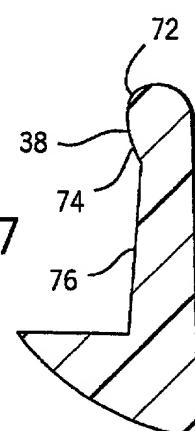


FIG. 7

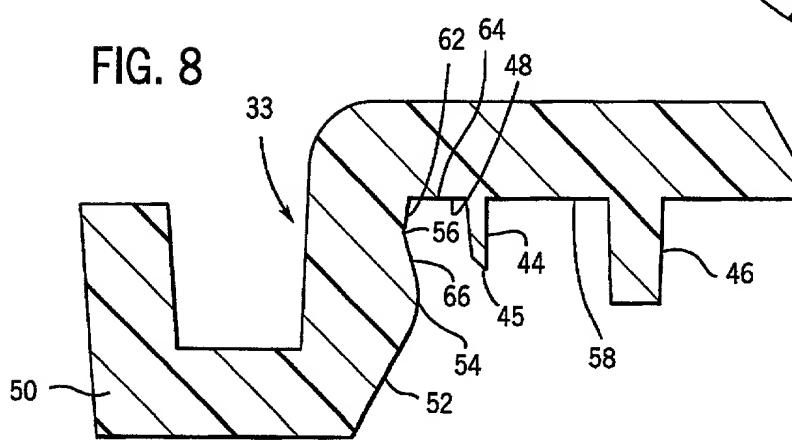


FIG. 8

FIG. 2

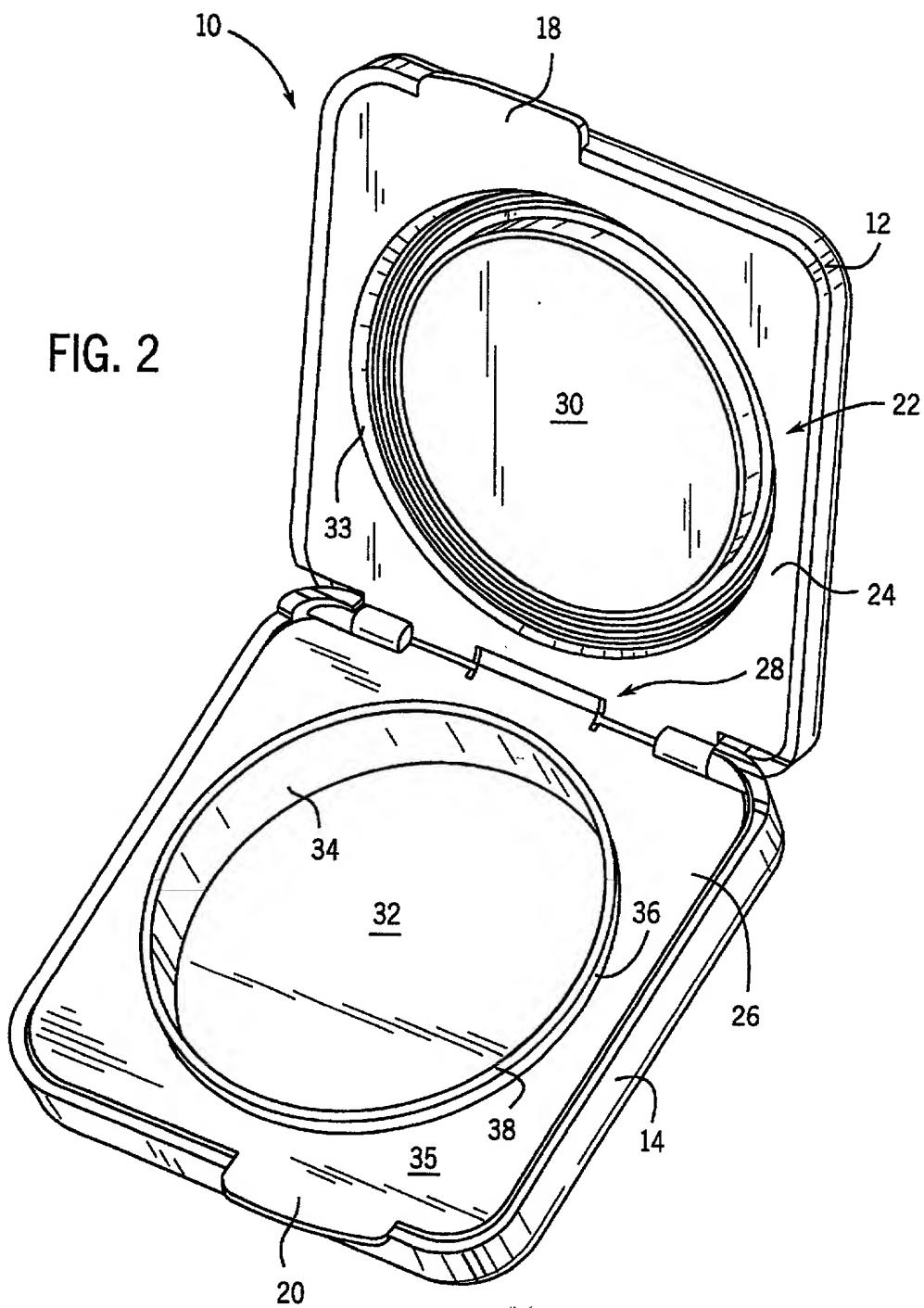


FIG. 3

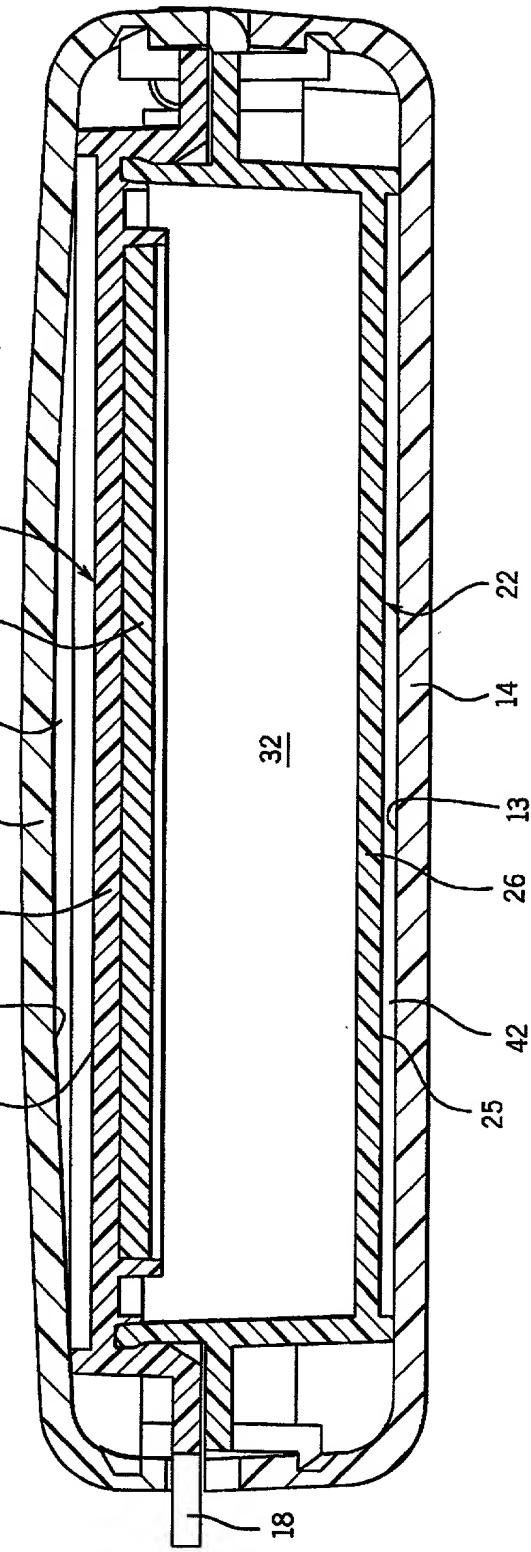
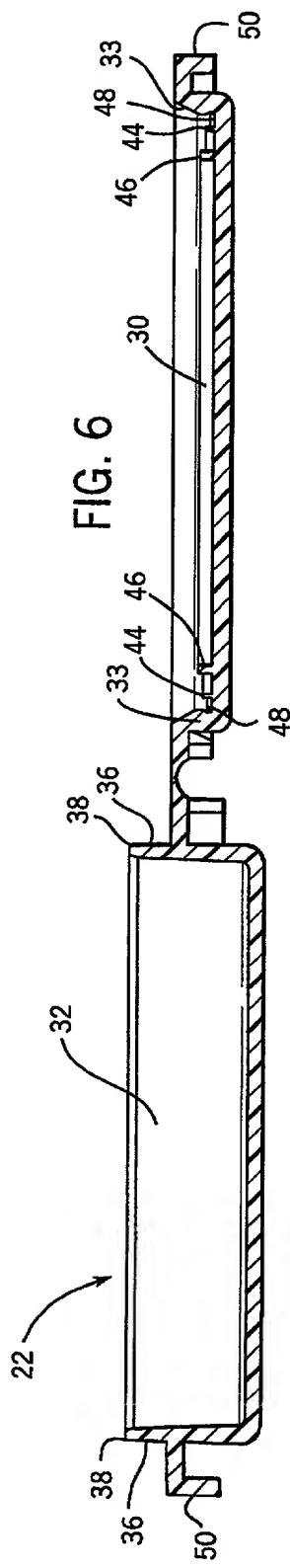
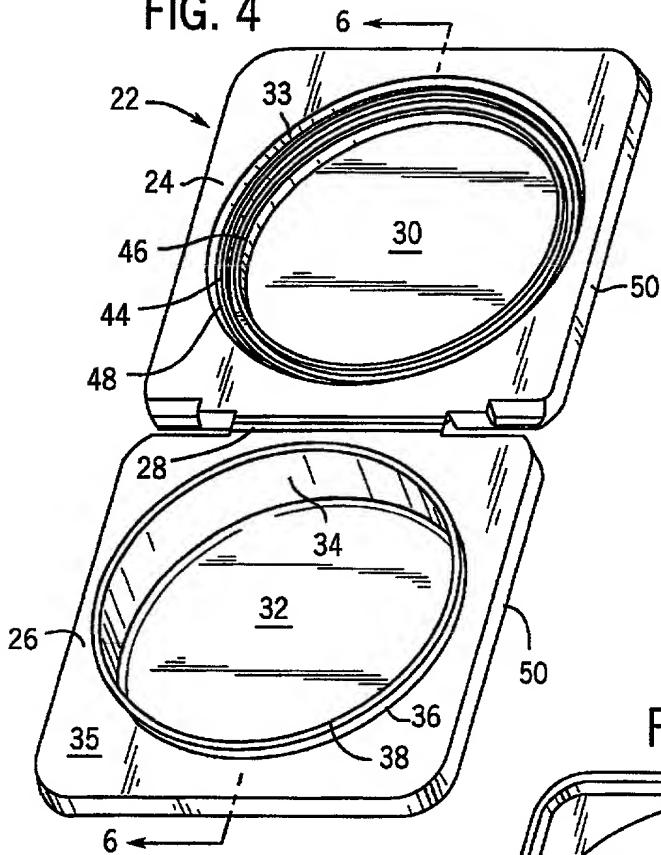
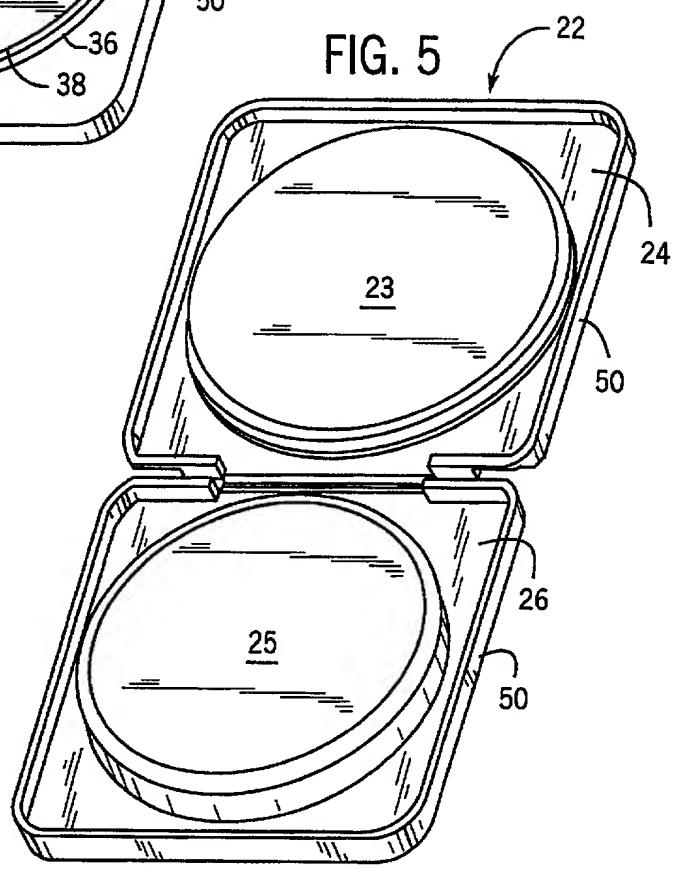


FIG. 6



**FIG. 4****FIG. 5**

## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Davis et al.

Application No./Patent No.: 5,842,486 Filed/Issue Date: 11/25/1997; 12/01/1998

Entitled: HERMETICALLY SEALED COSMETIC COMPACT CASE

Rexam Cosmetic Packaging, Inc., a Corporation,  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. [X] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Lawrence G. Davis and Carol J. Nikolajcic Sussex Plastics Inc.  
The document was recorded in the Patent and Trademark Office at  
Reel 8925, Frame 0703, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_; or for which a copy thereof is attached.

[ X ] Additional documents in the chain of title are listed on a supplemental sheet.

[ ] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

11/16/99

Date



Signature

Robert J. Schmitt

Typed or printed name

Vice President-Rexam Cosmetic Packaging, Inc.

Title

ADDITIONAL DOCUMENTS IN THE CHAIN OF  
TITLE FOR U.S. PATENT NO. 5,842,486

Attorney Docket No. 76565/115

Exhibit A: Stock Purchase Agreement by and Among Rexam Packaging, Inc. (Sheets A-1 through A-76)

Exhibit B: Schedule 4.13(b) to Stock Purchase Agreement Sussex – Rexam (1 Sheet)

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicants: Lawrence G. Davis  
Carol J. Nikolaus

Title: HERMETICALLY SEALED  
COSMETIC COMPACT CASE

Patent No.: 5,842,486

Issue Date: 12/01/1998

Appl. No.: To be determined

Examiner: To be determined

Art Unit: To be determined

Attorney Docket No.: 76565/115

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
EL 529676065US (Express Mail Label Number)	12/21/99 (Date of Deposit)
<u>Roberta Cooper</u> (Printed Name)	
<u>Roberta Cooper</u> (Signature)	

**POWER OF ATTORNEY OR AUTHORIZATION OF AGENT  
BY ASSIGNEE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Rexam Cosmetic Packaging, Inc., a corporation duly organized and existing under the laws of the State of Delaware, and having its principal place of business at N65 W24770 Main Street, Sussex, Wisconsin 53089-0902 is the Assignee and owner of the entire right, title, and interest in and to the above-identified patent application.

Assignee hereby appoints the following registered attorneys and agents of the law firm of Foley & Lardner to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

---

RUSSELL J. BARRON	Reg. No. 29,512
DAVID J. BATES	Reg. No. 39,902
STEVEN C. BECKER	Reg. No. 42,308
DOUGLAS A. BOEHM	Reg. No. 32,014
EDWARD W. BROWN	Reg. No. 22,022
LISA A. BRZYCKI	Reg. No. 40,926
CHARLES G. CARTER	Reg. No. 35,093
JOHN C. COOPER III	Reg. No. 26,416
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WILLIAM J. DICK	Reg. No. 22,205
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KEITH D. LINDENBAUM	Reg. No. 40,365
RICHARD J. MC KENNA	Reg. No. 35,610
JAMES G. MORROW	Reg. No. 32,505
STEPHEN MICHAEL PATTON	Reg. No. 36,235
JOHN T. PIENKOS	Reg. No. 42,997
TODD A. RATHE	Reg. No. 38,276
CHRISTOPHER M. TUROSKI	Reg. No. 44,456
PETER J. VOGEL	Reg. No. 41,363
JAMES A. WILKE	Reg. No. 34,279
JOSEPH N. ZIEBERT	Reg. No. 35,421
WALTER E. ZIMMERMAN	Reg. No. 40,883

and requests that all correspondence be directed to:

Christopher M. Turoski  
Foley & Lardner  
Firststar Center  
777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-5367

Telephone: (414) 297-5772  
Facsimile: (414) 297-4900

Executed this 16<sup>th</sup> day of November, 1999.

Rexam Cosmetic Packaging, Inc.

By:

  
(Signature)

Robert J. Schlitt  
(Printed Name)

Vice President  
(Title)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REISSUE APPLICATION DECLARATION BY THE INVENTOR</b>	Docket Number (Optional) 076565-0115
--	---

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,842,486, granted 12/01/1998, and for which a reissue patent is sought on the invention entitled HERMETICALLY SEALED COSMETIC COMPACT CASE

the specification of which

is attached hereto.

was filed on \_\_\_\_\_ as reissue application number \_\_\_ / \_\_\_\_\_  
and was amended on \_\_\_\_\_.  
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- by reason of a defective specification or drawing.
- by reason of the patentee claiming more or less than he had the right to claim in the patent.
- by reason of other errors.

At least one error upon which reissue is based is described as follows:

Living hinge 28 is disclosed in the FIGURES, at col. 4, lines 59-61 and at col. 6, lines 6-8 of U.S. Patent No. 5,842,486. Claims 1-20 of the '486 patent do not appear to explicitly recite "a hinge".

All errors corrected in this reissue application arose without any deceptive intention on the part of the Applicant.

[Page 1 of 5]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**HERMETICALLY SEALED COSMETIC COMPACT CASE**

---

(Attorney Docket No. 76565-115)

---

the specification of which (check one)

is attached hereto.

was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

RUSSELL J. BARRON

Reg. No. 29,512

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STEVEN C. BECKER	Reg. No. 42,308
DOUGLAS A. BOEHM	Reg. No. 32,014
EDWARD W. BROWN	Reg. No. 22,022
LISA A. BRZYCKI	Reg. No. 40,926
CHARLES G. CARTER	Reg. No. 35,093
JOHN C. COOPER III	Reg. No. 26,416
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WILLIAM J. DICK	Reg. No. 22,205
BARRY L. GROSSMAN	Reg. No. 30,844
KEITH D. LINDENBAUM	Reg. No. 40,365
RICHARD J. MC KENNA	Reg. No. 35,610
JAMES G. MORROW	Reg. No. 32,505
STEPHEN MICHAEL PATTON	Reg. No. 36,235
JOHN T. PIENKOS	Reg. No. 42,997
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JAMES A. WILKE	Reg. No. 34,279
JOSEPH N. ZIEBERT	Reg. No. 35,421
WALTER E. ZIMMERMAN	Reg. No. 40,883

and I request that all correspondence be directed to:

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 Firstar Center  
 777 East Wisconsin Avenue  
 Milwaukee, Wisconsin 53202-5367

Telephone: (414) 297-5654  
 Facsimile: (414) 297-4900

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Lawrence G. Davis
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Inventor's signature	<i>Lawrence G. Davis</i>
Date	Nov 16, 1999
Name of second inventor	Carol J. Nikolaus
Residence	Shorewood, Wisconsin
Citizenship	United States of America
Post Office Address	1300 E. Lawnwood Place, Shorewood, Wisconsin 53211
Inventor's signature	<i>Carol J. Nikolaus</i>
Date	Nov. 15, 1999